

MOTIONS TO DISMISS INFORMATION ON COLLECTION OF DATA

The following tables and graphs on motions to dismiss before and after *Twombly* and *Iqbal* are based on data collected electronically from the 94 district courts' docket entries. This information is not routinely included in the Administrative Office statistical reports for the courts. Though the data was reviewed for accuracy, some quality control steps that are part of the Administrative Office's reports were not applied. The electronically collected information is from the courts' docket entries, and the underlying docketed motions and orders were not read. As a result, if there are errors in the docket entry, those errors are in the data. The Federal Judicial Center is engaged in a study that will include reviewing underlying motions to dismiss and orders in a large number of randomly sampled cases, providing more information and an additional check on accuracy.

Certain information could not be collected electronically from the docket entries and is not reflected in the data. The data does not distinguish among the different types of motions to dismiss under Rule 12 of the Federal Rules of Civil Procedure. Though most motions to dismiss are filed under Rule 12(b)(6) for failure to state a claim on which relief can be granted, motions to dismiss filed under Rule 12(b)(1-5) and (7) are included in the data. The assumption is that the rate of motions to dismiss under Rule 12(b)(1-5) and (7) has remained stable during the period. The Federal Judicial Center study will include this information.

The data does not reveal whether motions to dismiss were granted with or without leave to amend, and, if with leave to amend, whether the case continued with an amended complaint. The Federal Judicial Center study will also include this information.

The courts do not rule on a significant number of motions to dismiss, often because the case settles without court intervention. Although the data includes the filing of these motions, the data does not include the disposition of these motions.

Finally, the data excludes Multi-District Litigation (MDL) cases.

Cases and Motions to Dismiss Filed From January 2007 through December 2009

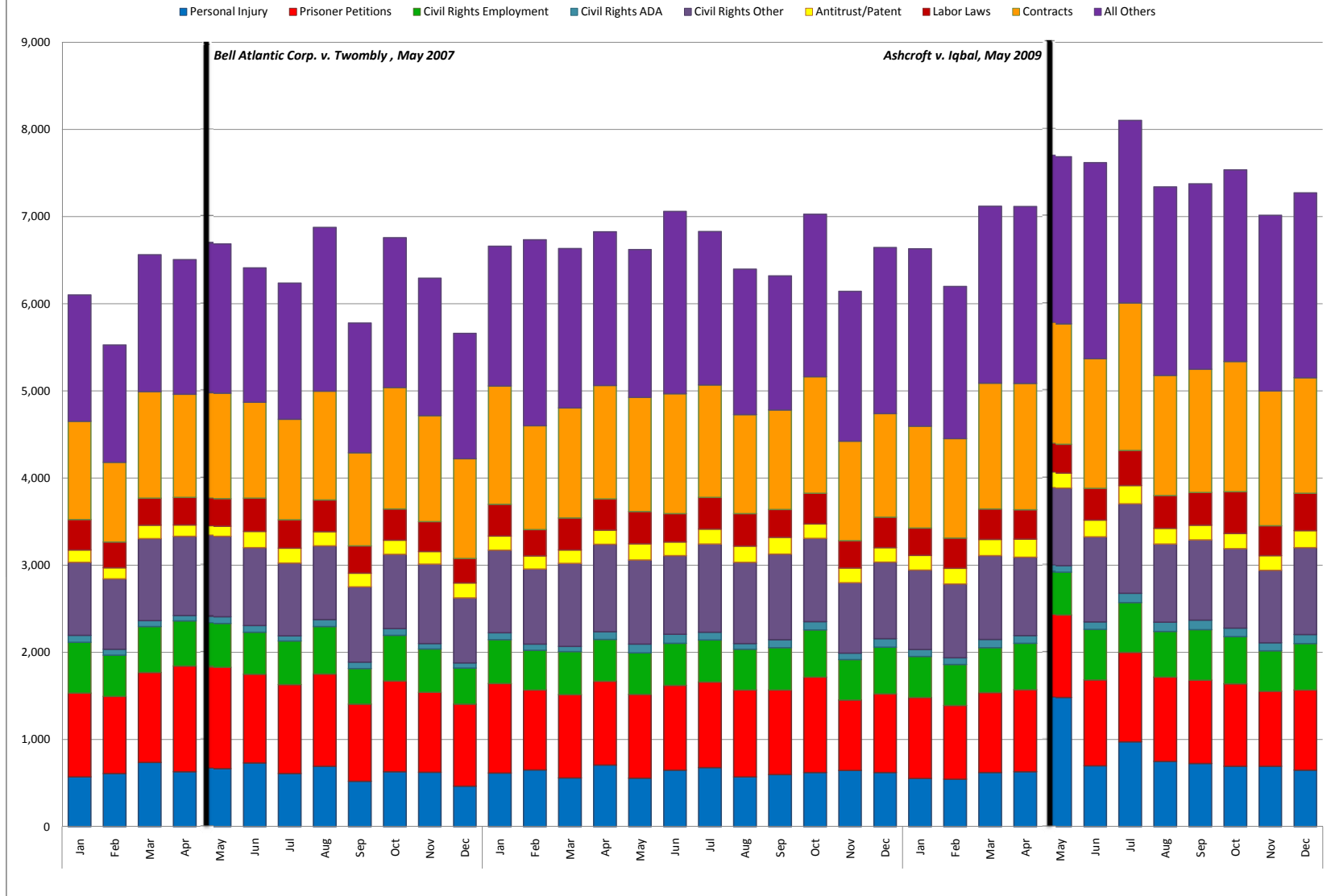
| | 2007 | | | | | | | | | | | | 2008 | | | | | | | | | | | | 2009 | | | | | | | | | | | | |
|-------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|----|
| CASES FILED | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |
| category | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |
| Personal Injury | 1,936 | 1,931 | 2,089 | 1,669 | 2,672 | 1,732 | 1,786 | 2,465 | 1,675 | 2,177 | 2,295 | 1,539 | 2,005 | 6,096 | 1,636 | 1,715 | 2,237 | 3,765 | 2,139 | 1,706 | 2,003 | 1,663 | 1,515 | 2,348 | 1,482 | 1,599 | 2,218 | 1,984 | 1,843 | 3,053 | 4,163 | 3,145 | 3,418 | 3,310 | 3,186 | 2,565 | |
| Prisoner Petitions | 4,665 | 3,928 | 4,734 | 4,576 | 4,593 | 4,787 | 4,877 | 4,746 | 4,191 | 5,020 | 4,293 | 3,969 | 5,188 | 4,531 | 4,796 | 4,964 | 4,308 | 4,430 | 4,664 | 4,230 | 4,185 | 4,470 | 3,599 | 4,421 | 4,298 | 4,072 | 4,602 | 4,603 | 4,172 | 4,461 | 4,695 | 4,283 | 4,216 | 4,212 | 3,693 | 4,192 | |
| Civil Rights Employment | 1,114 | 967 | 1,049 | 974 | 1,132 | 1,177 | 1,098 | 1,181 | 1,146 | 1,185 | 1,047 | 1,083 | 1,041 | 999 | 957 | 1,088 | 1,108 | 1,183 | 1,196 | 1,107 | 1,245 | 1,250 | 1,014 | 1,220 | 966 | 1,014 | 1,135 | 1,243 | 1,094 | 1,299 | 1,261 | 1,224 | 1,312 | 1,201 | 1,101 | 1,263 | |
| Civil Rights Other | 1,211 | 1,187 | 1,456 | 1,309 | 1,483 | 1,337 | 1,318 | 1,483 | 1,274 | 1,517 | 1,240 | 1,275 | 1,403 | 1,334 | 1,303 | 1,342 | 1,339 | 1,320 | 1,384 | 1,378 | 1,399 | 1,488 | 1,217 | 1,385 | 1,177 | 1,349 | 1,433 | 1,364 | 1,269 | 1,459 | 1,595 | 1,311 | 1,439 | 1,419 | 1,275 | 1,321 | |
| Civil Rights ADA | 148 | 164 | 205 | 183 | 188 | 214 | 184 | 214 | 228 | 209 | 202 | 180 | 220 | 219 | 232 | 197 | 202 | 250 | 294 | 222 | 252 | 295 | 203 | 308 | 245 | 251 | 292 | 232 | 246 | 275 | 323 | 281 | 295 | 275 | 259 | 283 | |
| Antitrust | 38 | 63 | 82 | 40 | 28 | 39 | 26 | 31 | 57 | 42 | 29 | 34 | 58 | 76 | 115 | 70 | 126 | 43 | 48 | 48 | 53 | 37 | 52 | 30 | 36 | 59 | 75 | 49 | 41 | 60 | 63 | 48 | 47 | 58 | 50 | 29 | |
| Patent | 212 | 192 | 266 | 218 | 274 | 285 | 214 | 230 | 221 | 302 | 247 | 201 | 225 | 250 | 236 | 265 | 237 | 244 | 233 | 213 | 196 | 237 | 174 | 246 | 217 | 214 | 285 | 267 | 234 | 213 | 249 | 221 | 233 | 222 | 213 | 228 | |
| Labor Laws | 1,374 | 1,284 | 1,490 | 1,295 | 1,397 | 1,390 | 1,403 | 1,449 | 1,174 | 1,475 | 1,250 | 1,235 | 1,425 | 1,400 | 1,406 | 1,505 | 1,370 | 1,426 | 1,517 | 1,274 | 1,397 | 1,473 | 1,236 | 1,323 | 1,549 | 1,338 | 1,687 | 1,530 | 1,346 | 1,458 | 1,566 | 1,695 | 1,476 | 1,585 | 1,354 | 1,430 | |
| Contracts | 2,538 | 2,143 | 2,654 | 3,338 | 2,602 | 2,614 | 2,541 | 3,366 | 2,728 | 3,672 | 3,654 | 2,470 | 2,751 | 2,360 | 2,368 | 3,725 | 2,683 | 2,524 | 2,506 | 2,594 | 2,786 | 2,962 | 2,374 | 2,802 | 5,182 | 2,679 | 2,939 | 2,846 | 2,674 | 2,852 | 2,878 | 2,728 | 2,677 | 2,811 | 2,339 | 2,474 | |
| All Others | 4,867 | 4,526 | 5,146 | 4,638 | 5,072 | 5,017 | 4,850 | 5,556 | 4,972 | 5,501 | 4,816 | 4,112 | 4,768 | 4,680 | 4,780 | 5,029 | 5,142 | 4,750 | 5,029 | 4,698 | 4,730 | 5,085 | 4,390 | 4,650 | 4,575 | 4,526 | 5,217 | 5,362 | 5,250 | 5,653 | 5,753 | 5,554 | 5,383 | 5,432 | 4,886 | 5,113 | |
| MOT. DISMISS | 6,103 | 5,529 | 6,564 | 6,508 | 6,688 | 6,413 | 6,240 | 6,879 | 5,781 | 6,759 | 6,295 | 5,663 | 6,663 | 6,736 | 6,636 | 6,827 | 6,623 | 7,062 | 6,831 | 6,399 | 6,322 | 7,029 | 6,144 | 6,648 | 6,631 | 6,200 | 7,121 | 7,118 | 7,689 | 7,620 | 8,105 | 7,344 | 7,539 | 7,016 | 7,274 | | |
| category | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |
| Personal Injury | 571 | 610 | 738 | 630 | 667 | 731 | 609 | 694 | 523 | 631 | 625 | 466 | 615 | 653 | 560 | 707 | 557 | 648 | 678 | 571 | 598 | 621 | 647 | 623 | 554 | 545 | 621 | 631 | 1,484 | 699 | 973 | 749 | 727 | 694 | 693 | 650 | |
| Prisoner Petitions | 963 | 884 | 1,032 | 1,214 | 1,163 | 1,018 | 1,021 | 1,058 | 883 | 1,043 | 918 | 939 | 1,028 | 916 | 956 | 963 | 961 | 974 | 984 | 997 | 971 | 1,097 | 808 | 902 | 929 | 846 | 919 | 940 | 945 | 985 | 1,027 | 968 | 955 | 945 | 862 | 920 | |
| Civil Rights Employment | 582 | 474 | 528 | 517 | 503 | 482 | 500 | 544 | 410 | 521 | 496 | 415 | 502 | 455 | 493 | 479 | 478 | 483 | 482 | 468 | 484 | 541 | 462 | 535 | 470 | 471 | 515 | 534 | 493 | 581 | 573 | 524 | 579 | 542 | 465 | 532 | |
| Civil Rights Other | 839 | 809 | 941 | 909 | 925 | 895 | 834 | 845 | 866 | 854 | 911 | 745 | 946 | 862 | 954 | 1,002 | 964 | 904 | 1,011 | 932 | 984 | 956 | 809 | 879 | 909 | 845 | 962 | 901 | 892 | 976 | 1,028 | 897 | 921 | 910 | 831 | 1,000 | |
| Civil Rights ADA | 79 | 69 | 67 | 64 | 76 | 77 | 62 | 82 | 72 | 78 | 63 | 60 | 81 | 71 | 59 | 89 | 101 | 102 | 89 | 66 | 92 | 95 | 74 | 98 | 82 | 78 | 93 | 88 | 72 | 85 | 105 | 106 | 109 | 99 | 92 | 102 | |
| Antitrust/Patent | 141 | 126 | 154 | 128 | 114 | 187 | 170 | 162 | 155 | 160 | 146 | 173 | 164 | 150 | 153 | 164 | 185 | 158 | 172 | 187 | 193 | 164 | 168 | 167 | 169 | 181 | 186 | 206 | 173 | 192 | 210 | 182 | 168 | 175 | 169 | 195 | |
| Labor Laws | 351 | 297 | 311 | 319 | 317 | 308 | 326 | 364 | 315 | 360 | 343 | 281 | 363 | 302 | 367 | 358 | 372 | 325 | 363 | 372 | 320 | 352 | 314 | 349 | 315 | 345 | 351 | 337 | 329 | 365 | 402 | 374 | 378 | 479 | 342 | 429 | |
| Contracts | 1,128 | 912 | 1,222 | 1,183 | 1,210 | 1,101 | 1,153 | 1,249 | 1,069 | 1,394 | 1,217 | 1,146 | 1,358 | 1,194 | 1,265 | 1,303 | 1,378 | 1,374 | 1,291 | 1,138 | 1,140 | 1,338 | 1,144 | 1,188 | 1,167 | 1,144 | 1,443 | 1,452 | 1,383 | 1,489 | 1,692 | 1,379 | 1,412 | 1,494 | 1,549 | 1,326 | |
| All Others | 1,449 | 1,348 | 1,571 | 1,544 | 1,713 | 1,542 | 1,565 | 1,881 | 1,488 | 1,718 | 1,576 | 1,438 | 1,606 | 2,133 | 1,829 | 1,762 | 1,696 | 2,094 | 1,761 | 1,668 | 1,540 | 1,865 | 1,718 | 1,907 | 2,036 | 1,745 | 2,031 | 2,029 | 1,918 | 2,248 | 2,095 | 2,165 | 2,129 | 2,201 | 2,013 | 2,120 | |
| GRANTED | 2,316 | 2,132 | 2,871 | 2,122 | 2,341 | 2,301 | 2,295 | 2,405 | 2,394 | 2,392 | 2,224 | 1,891 | 2,496 | 2,415 | 3,049 | 2,530 | 2,315 | 2,461 | 2,732 | 2,531 | 2,535 | 2,380 | 1,976 | 2,265 | 2,422 | 2,290 | 3,309 | 2,520 | 2,363 | 2,871 | 2,926 | 2,824 | 3,054 | 2,788 | 2,444 | 2,583 | |
| category | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |
| Personal Injury | 330 | 281 | 334 | 267 | 284 | 309 | 282 | 269 | 257 | 293 | 256 | 219 | 274 | 259 | 258 | 307 | 249 | 276 | 290 | 249 | 266 | 327 | 233 | 250 | 287 | 253 | 327 | 298 | 225 | 333 | 282 | 257 | 298 | 277 | 313 | 314 | |
| Prisoner Petitions | 299 | 367 | 475 | 271 | 325 | 258 | 329 | 354 | 411 | 297 | 265 | 243 | 319 | 355 | 329 | 273 | 289 | 289 | 344 | 364 | 406 | 287 | 242 | 248 | 345 | 346 | 499 | 265 | 275 | 287 | 322 | 379 | 497 | 267 | 256 | 300 | |
| Civil Rights Employment | 207 | 167 | 251 | 208 | 200 | 155 | 183 | 184 | 161 | 180 | 154 | 129 | 160 | 164 | 189 | 160 | 162 | 187 | 183 | 164 | 177 | 161 | 144 | 177 | 161 | 160 | 195 | 166 | 163 | 230 | 199 | 198 | 195 | 204 | 153 | 151 | |
| Civil Rights Other | 294 | 303 | 426 | 308 | 354 | 358 | 274 | 310 | 332 | 265 | 293 | 202 | 331 | 282 | 420 | 289 | 300 | 347 | 332 | 342 | 402 | 296 | 281 | 307 | 318 | 335 | 443 | 287 | 301 | 336 | 358 | 382 | 373 | 316 | 323 | 281 | |
| Civil Rights ADA | 30 | 20 | 33 | 30 | 36 | 26 | 24 | 26 | 28 | 36 | 16 | 16 | 29 | 28 | 22 | 28 | 37 | 39 | 30 | 26 | 27 | 35 | 23 | 29 | 29 | 24 | 39 | 39 | 39 | 35 | 38 | 51 | 29 | 30 | 37 | 38 | 43 |
| Antitrust | 8 | 9 | 7 | 14 | 11 | 8 | 18 | 17 | 17 | 14 | 3 | 5 | 5 | 6 | 3 | 5 | 9 | 7 | 15 | 5 | 4 | 9 | 2 | 9 | 8 | 2 | 21 | 6 | 6 | 5 | 13 | 16 | 9 | 15 | 6 | 7 | |
| Patent | 45 | 55 | 28 | 52 | 39 | 46 | 72 | 52 | 42 | 61 | 44 | 46 | 61 | 44 | 44 | 58 | 43 | 57 | 57 | 141 | 61 | 49 | 59 | 64 | 63 | 70 | 87 | 96 | 78 | 74 | 74 | 79 | 67 | 77 | 69 | 70 | |
| Labor Laws | 118 | 89 | 120 | 107 | 112 | 104 | 91 | 97 | 114 | 122 | 105 | 88 | 128 | 113 | 139 | 139 | 101 | 124 | 126 | 121 | 121 | 113 | 87 | 124 | 118 | 123 | 137 | 101 | 102 | 112 | 119 | 99 | 118 | 126 | 125 | 183 | |
| Contracts | 394 | 330 | 545 | 385 | 452 | 414 | 436 | 478 | 401 | 483 | 557 | 401 | 549 | 523 | 581 | 534 | 518 | 530 | 671 | 504 | 438 | 497 | 426 | 497 | 502 | 413 | 668 | 528 | 481 | 605 | 673 | 587 | 524 | 632 | 428 | 501 | |
| All Others | 591 | 511 | 652 | 480 | 528 | 623 | 586 | 618 | 631 | 641 | 631 | 542 | 640 | 641 | 864 | 737 | 607 | 605 | 684 | 615 | 633 | 606 | 479 | 560 | 591 | 564 | 893 | 734 | 697 | 851 | 835 | 798 | 943 | 837 | 733 | 735 | |
| DENIED | 853 | 819 | 1,229 | 746 | 914 | 800 | 844 | 952 | 1,071 | 784 | 753 | 7010 | | | | | | | | | | | | | | | | | | | | | | | | | |

Cases and Motions to Dismiss Filed From January 2007 through December 2009

| | 2007 | | | | | | | | | | | | 2008 | | | | | | | | | | | | 2009 | | | | | | | | | | | | |
|------------------------------------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--|
| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |
| MOOT | 252 | 236 | 349 | 249 | 266 | 218 | 260 | 333 | 259 | 260 | 214 | 204 | 314 | 285 | 298 | 368 | 315 | 267 | 293 | 257 | 334 | 268 | 213 | 278 | 275 | 306 | 390 | 333 | 322 | 357 | 410 | 356 | 467 | 347 | 309 | 328 | |
| category | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |
| Personal Injury | 25 | 17 | 24 | 21 | 21 | 37 | 33 | 28 | 15 | 19 | 27 | 12 | 38 | 23 | 19 | 33 | 29 | 32 | 31 | 21 | 27 | 27 | 13 | 24 | 32 | 29 | 36 | 23 | 39 | 38 | 21 | 27 | 19 | 15 | 33 | 17 | |
| Prisoner Petitions | 24 | 36 | 29 | 22 | 16 | 15 | 23 | 35 | 33 | 35 | 23 | 14 | 36 | 35 | 41 | 26 | 32 | 37 | 32 | 28 | 35 | 26 | 18 | 21 | 27 | 19 | 32 | 32 | 38 | 28 | 40 | 28 | 49 | 37 | 24 | 29 | |
| Civil Rights Employment | 27 | 28 | 38 | 27 | 33 | 21 | 21 | 20 | 22 | 23 | 21 | 20 | 39 | 23 | 27 | 35 | 14 | 21 | 25 | 17 | 23 | 23 | 17 | 26 | 32 | 35 | 39 | 23 | 36 | 26 | 32 | 37 | 43 | 29 | 30 | 31 | |
| Civil Rights Other | 43 | 33 | 62 | 41 | 44 | 35 | 47 | 46 | 47 | 43 | 36 | 43 | 56 | 47 | 64 | 51 | 61 | 48 | 49 | 53 | 67 | 58 | 33 | 57 | 50 | 51 | 72 | 55 | 64 | 71 | 67 | 53 | 81 | 56 | 38 | 68 | |
| Civil Rights ADA | 3 | 3 | 10 | 2 | 2 | 2 | 7 | 6 | 4 | 2 | 3 | 1 | 1 | 3 | 4 | 2 | 7 | 4 | 1 | 6 | 3 | 3 | 3 | 2 | 7 | 4 | 1 | 8 | 1 | 2 | 3 | 2 | 6 | 9 | 8 | 5 | |
| Antitrust | 2 | - | - | - | - | - | 8 | 8 | 3 | 2 | 1 | - | 1 | - | - | - | - | - | - | 1 | 20 | 2 | 3 | 2 | - | - | - | 2 | 2 | 2 | - | - | 6 | 10 | 4 | 6 | |
| Patent | 13 | 6 | 2 | 1 | 4 | - | 5 | 14 | 4 | 3 | 3 | 4 | 2 | 2 | 4 | 7 | 1 | 2 | 7 | 1 | 11 | 5 | 5 | 6 | 6 | 11 | 4 | 3 | 2 | 3 | 14 | 16 | 3 | 8 | 8 | 1 | |
| Labor Laws | 12 | 11 | 23 | 17 | 21 | 13 | 9 | 17 | 18 | 11 | 9 | 12 | 9 | 21 | 16 | 18 | 17 | 11 | 14 | 18 | 13 | 22 | 27 | 16 | 23 | 20 | 17 | 31 | 14 | 20 | 25 | 29 | 29 | 20 | 11 | 23 | |
| Contracts | 47 | 45 | 62 | 48 | 40 | 50 | 39 | 68 | 34 | 53 | 36 | 45 | 60 | 55 | 48 | 121 | 66 | 42 | 63 | 39 | 47 | 42 | 33 | 52 | 48 | 45 | 84 | 62 | 59 | 72 | 81 | 52 | 95 | 69 | 60 | 55 | |
| All Others | 56 | 57 | 99 | 70 | 85 | 45 | 68 | 91 | 79 | 69 | 55 | 53 | 72 | 76 | 75 | 75 | 88 | 70 | 71 | 73 | 88 | 60 | 61 | 72 | 50 | 92 | 105 | 94 | 67 | 95 | 127 | 112 | 136 | 94 | 93 | 93 | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| GRANTED IN PART AND DENIED IN PART | 371 | 263 | 586 | 250 | 319 | 295 | 299 | 356 | 390 | 285 | 286 | 226 | 299 | 335 | 545 | 296 | 325 | 315 | 342 | 390 | 470 | 330 | 271 | 358 | 303 | 371 | 586 | 287 | 377 | 428 | 435 | 438 | 563 | 405 | 400 | 346 | |
| category | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |
| Personal Injury | 22 | 26 | 30 | 17 | 18 | 9 | 19 | 23 | 15 | 21 | 11 | 22 | 16 | 21 | 28 | 20 | 16 | 29 | 19 | 32 | 30 | 25 | 10 | 19 | 16 | 20 | 28 | 9 | 13 | 18 | 22 | 20 | 22 | 24 | 24 | 21 | |
| Prisoner Petitions | 42 | 32 | 65 | 14 | 21 | 27 | 27 | 31 | 64 | 20 | 22 | 17 | 42 | 32 | 73 | 20 | 45 | 29 | 33 | 64 | 58 | 17 | 28 | 17 | 27 | 50 | 81 | 24 | 34 | 36 | 51 | 39 | 103 | 36 | 35 | 21 | |
| Civil Rights Employment | 58 | 46 | 71 | 49 | 40 | 43 | 39 | 44 | 38 | 48 | 26 | 28 | 45 | 52 | 69 | 44 | 43 | 44 | 49 | 48 | 50 | 35 | 29 | 40 | 43 | 44 | 63 | 46 | 32 | 56 | 40 | 56 | 51 | 36 | 44 | 40 | |
| Civil Rights Other | 73 | 50 | 153 | 55 | 97 | 74 | 65 | 72 | 77 | 60 | 74 | 52 | 54 | 69 | 122 | 58 | 52 | 65 | 58 | 63 | 91 | 72 | 55 | 59 | 70 | 77 | 152 | 58 | 62 | 100 | 84 | 77 | 91 | 89 | 64 | 67 | |
| Civil Rights ADA | 6 | 6 | 6 | 1 | 2 | 5 | 2 | 8 | 5 | 3 | 3 | 4 | 9 | 3 | 12 | 7 | 5 | 3 | 6 | 2 | 7 | 9 | 5 | 5 | 9 | 3 | 20 | 9 | 7 | 3 | 8 | 5 | 8 | 4 | 7 | 4 | |
| Antitrust | 3 | 3 | 3 | 2 | 3 | 3 | - | 5 | 3 | 1 | 3 | - | - | 1 | 3 | - | 1 | 1 | 2 | 11 | 2 | 2 | 3 | - | 5 | 3 | 4 | 3 | 2 | 3 | - | 3 | 1 | 1 | 5 | - | |
| Patent | 5 | 3 | 2 | 5 | - | 3 | 3 | 4 | 6 | 5 | 6 | 1 | 3 | 5 | 5 | 3 | 5 | 4 | 6 | 20 | 7 | 9 | 5 | 11 | 5 | 6 | 5 | 6 | 3 | 5 | 3 | 8 | 10 | 5 | 4 | 10 | |
| Labor Laws | 25 | 11 | 26 | 15 | 21 | 7 | 19 | 15 | 21 | 20 | 19 | 12 | 14 | 19 | 20 | 12 | 17 | 19 | 19 | 13 | 18 | 14 | 17 | 17 | 17 | 16 | 30 | 16 | 11 | 15 | 31 | 25 | 32 | 16 | 22 | 16 | |
| Contracts | 69 | 45 | 103 | 37 | 51 | 53 | 54 | 66 | 60 | 49 | 51 | 47 | 44 | 67 | 74 | 54 | 50 | 57 | 80 | 52 | 74 | 76 | 44 | 49 | 45 | 52 | 87 | 58 | 103 | 86 | 79 | 73 | 88 | 83 | 64 | 68 | |
| All Others | 68 | 41 | 127 | 55 | 66 | 71 | 71 | 88 | 101 | 58 | 71 | 43 | 72 | 66 | 139 | 78 | 91 | 64 | 70 | 85 | 133 | 71 | 75 | 141 | 66 | 100 | 116 | 58 | 110 | 106 | 117 | 132 | 157 | 111 | 131 | 99 | |
| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | |

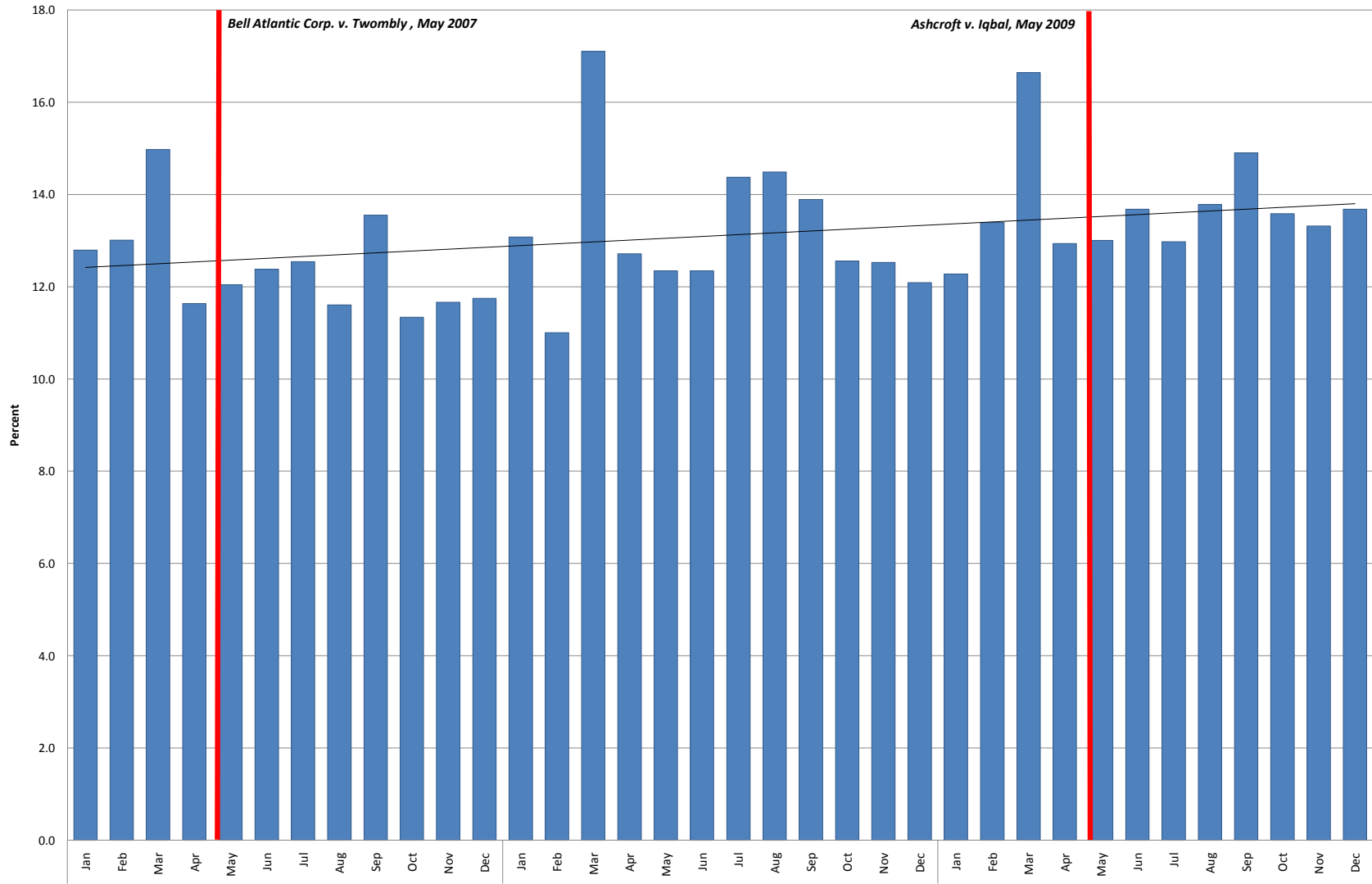
1. Data includes motions to dismiss filed under Rule 12(b)(1)-(7) in cases filed from January 2007 through December 2009. Rule 12(b)(6) motions to dismiss cannot be broken out in this data.
2. Does not include data on whether motions to dismiss were granted with or without leave to amend.
3. Data does not include MDL cases in either the total number of cases filed or the motions to dismiss.
4. The data were extracted directly from the text of 94 district court docket entries, rather than the official statistics system, and they did not pass through all the quality controls of the statistics system.

Motions to Dismiss by Nature of Suit



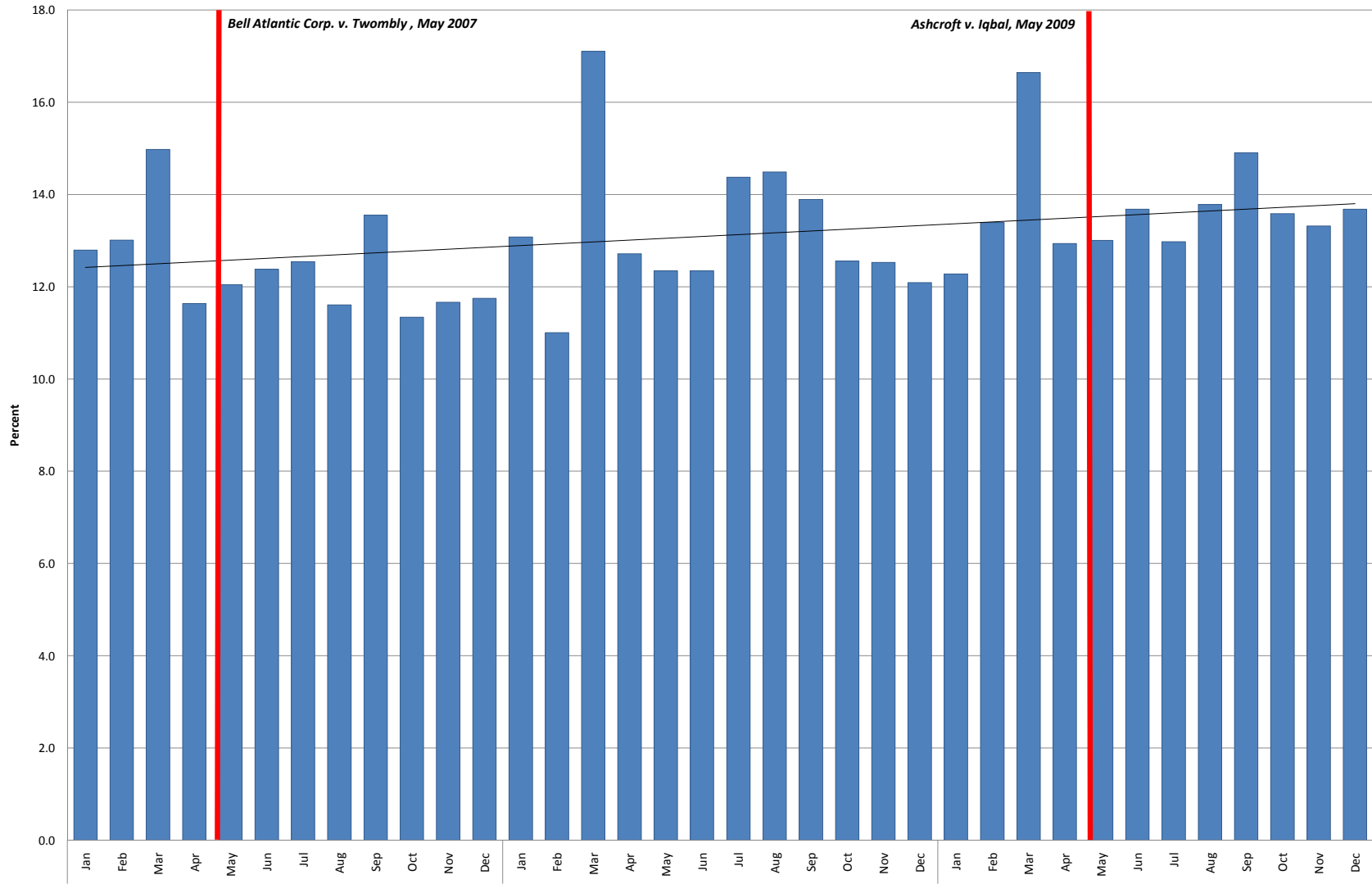
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Rate of Motions to Dismiss Granted as Percentage of Total Cases Filed

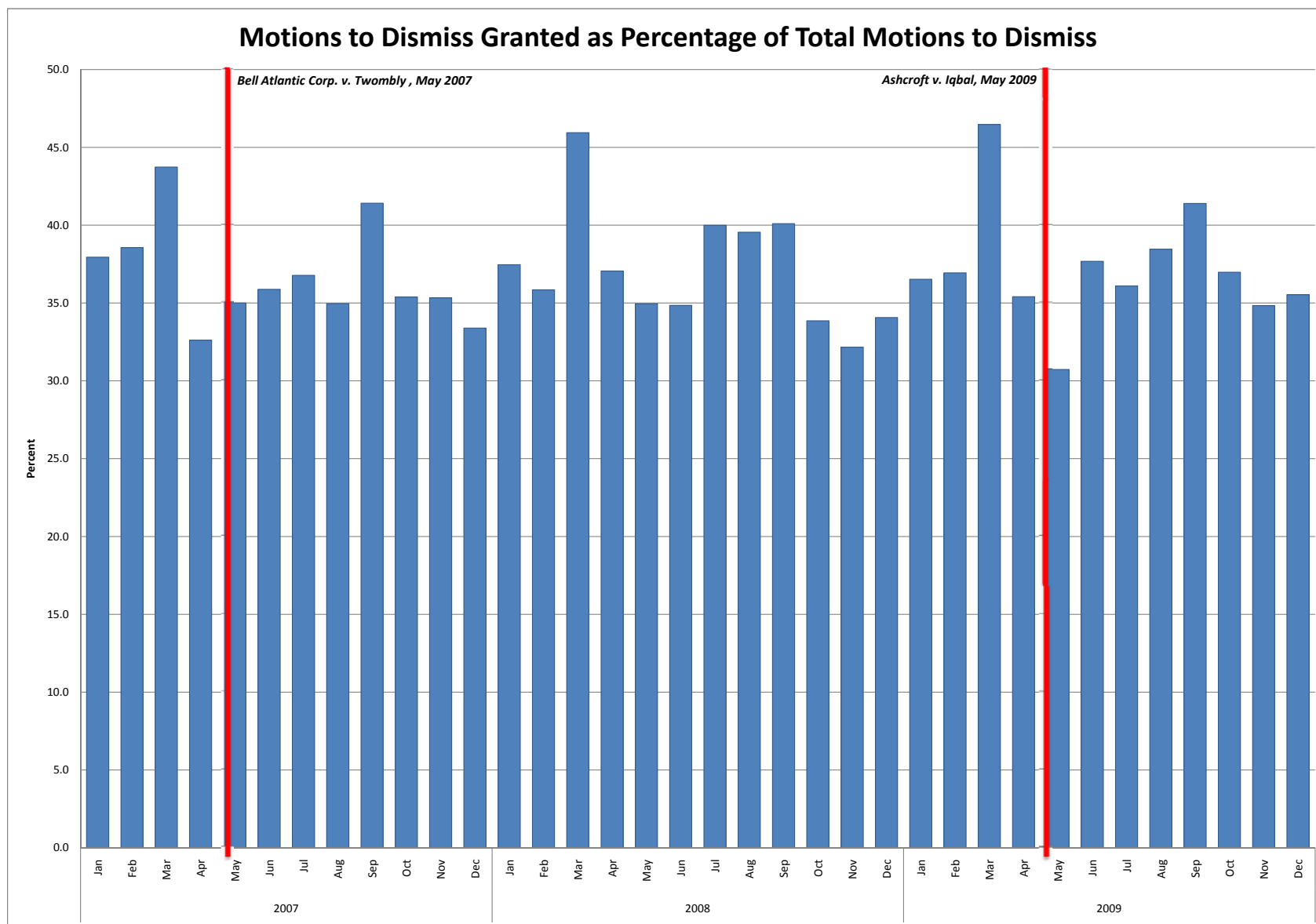


1. Data includes motions to dismiss filed under Rule 12(b)(1)-(7) in cases filed from January 2007 through December 2009. Rule 12(b)(6) motions to dismiss cannot be broken out in this data.
2. Data does not include motions to dismiss that were granted in part and denied in part.
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Rate of Motions to Dismiss Granted as Percentage of Total Cases Filed

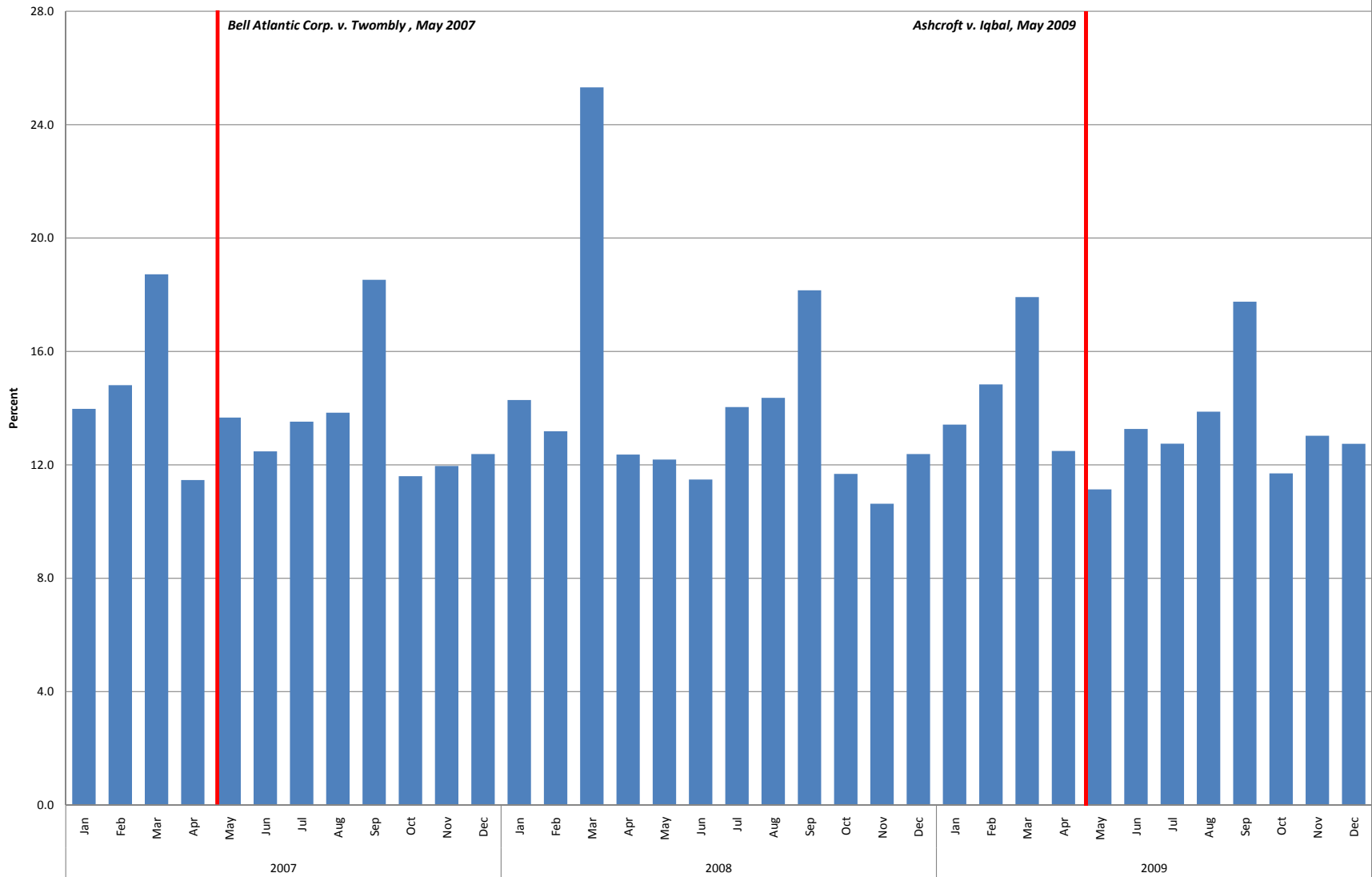


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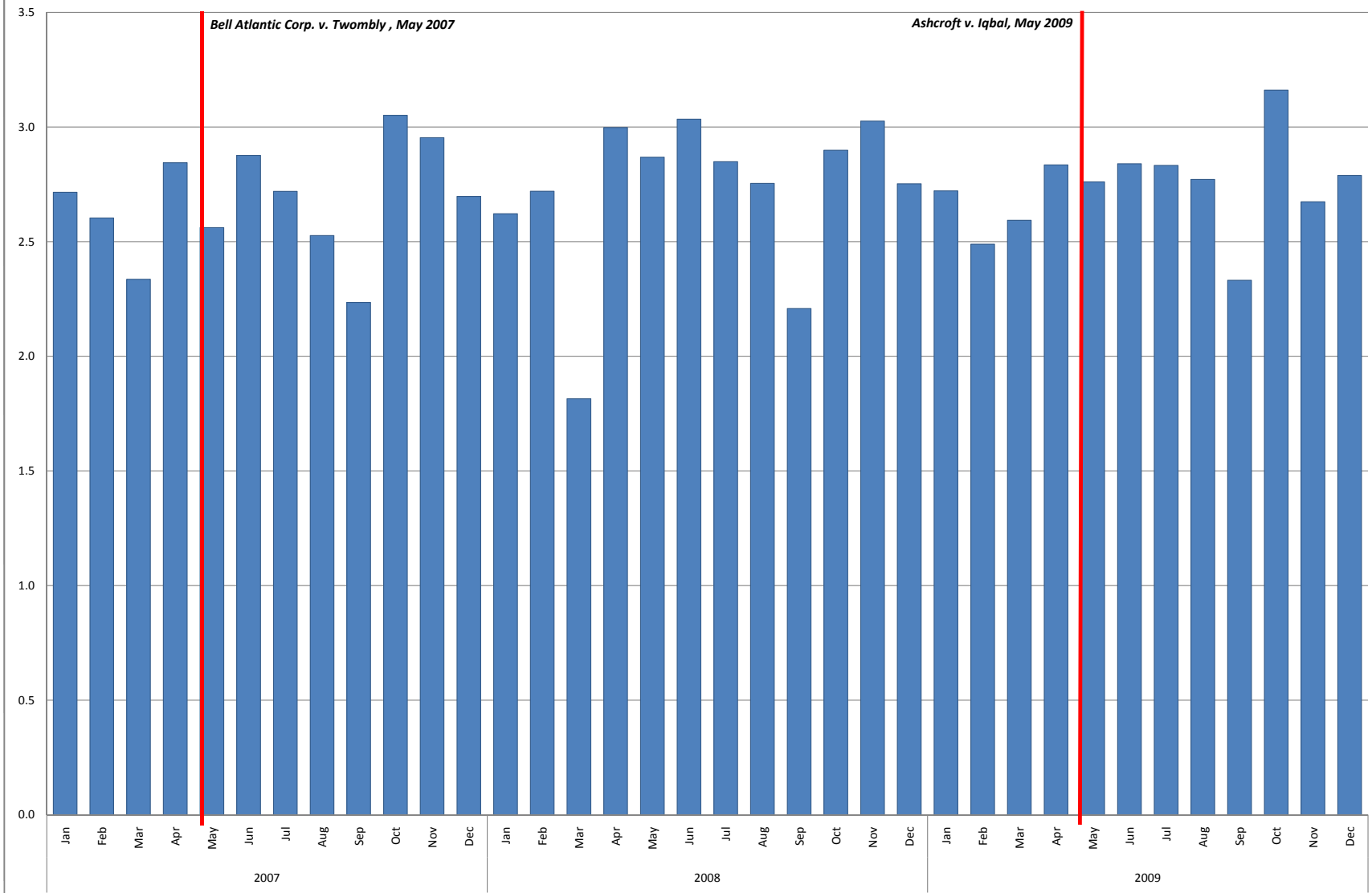
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4. Data does not include MDL cases in the number of motions to dismiss.
5. The data were extracted directly from the text of 94 district court docket entries, rather than the official statistics system, and they did not pass through all the quality controls of the statistics system.

Motions to Dismiss Denied as Percentage of Total Motions to Dismiss



1. Data includes motions to dismiss filed under Rule 12(b)(1)-(7) in cases filed from January 2007 through December 2009. Rule 12(b)(6) motions to dismiss cannot be broken out in this data.
2. Data does not include motions to dismiss that were granted in part and denied in part.
3. Does not include data on whether motions to dismiss were granted with or without leave to amend.
4. Data does not include MDL cases in the number of motions to dismiss.
5. The data were extracted directly from the text of 94 district court docket entries, rather than the official statistics system, and they did not pass through all the quality controls of the statistics system.

Ratio of Motions to Dismiss Granted in Relation to Motions to Dismiss Denied



1. Data includes motions to dismiss filed under Rule 12(b)(1)-(7) in cases filed from January 2007 through December 2009. Rule 12(b)(6) motions to dismiss cannot be broken out in this data.
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3. Does not include data on whether motions to dismiss were granted with or without leave to amend.
4. Data does not include MDL cases in the number of motions to dismiss.
5. The data were extracted directly from the text of 94 district court docket entries, rather than the official statistics system, and they did not pass through all the quality controls of the statistics system.

MOTIONS TO DISMISS IN “CIVIL RIGHTS EMPLOYMENT CASES” AND “CIVIL RIGHTS OTHER CASES”
PRE-*Twombly* (OCTOBER 2006 - APRIL 2007) AND POST-*Iqbal* (JUNE - DECEMBER 2009)*

Civil Rights Employment Cases

Monthly Average for Seven Months before *Twombly*

1,101 cases
523 motions to dismiss (48% of cases)
190 motions granted (17% of cases)
77 motions denied (7% of cases)

Monthly Average for Seven Months after *Iqbal*

1,237 cases
542 motions to dismiss (44% of cases)
190 motions granted (15% of cases)
83 motions denied (7% of cases)

Civil Rights Other Cases

Monthly Average for Seven Months before *Twombly*

1,314 cases
878 motions to dismiss (67% of cases)
304 motions granted (23% of cases)
131 motions denied (10% of cases)

Monthly Average for Seven Months after *Iqbal*

1,403 cases
938 motions to dismiss (67% of cases)
338 motions granted (24% of cases)
112 motions denied (8% of cases)

* 1. Data includes motions to dismiss filed under Rule 12(b)(1)-(7) in cases filed seven months before *Twombly* and seven months after *Iqbal*.

2. Does not include data on whether motions to dismiss were granted with or without leave to amend.

3. Data does not include motions to dismiss that were granted in part and denied in part.

4. Data does not include MDL cases in the number of motions to dismiss.

5. The data were extracted directly from the text of 94 district court docket entries, rather than the official statistical system, and they did not pass through all the quality controls of the statistics system.